

REMARKS

As a result of the amendment, the total number of claims remains the same as in the original claims (39) but an additional independent claim has been added, thereby requiring the payment of an additional filing fee in the amount of \$43.

Re: Priority

In paragraph 1 of the official action, the Examiner indicates that the application appears to be a *Division* of Application No. 09/642,506 filed August 18, 2000. This is not correct. The application is actually a Continuation-in-Part of Application No. 09/642,506 as stated in the first paragraph of the specification, since the application adds "new matter" over the disclosure in the prior application.

In paragraph 2, it was to be noted that a certified copy of Israel Patent Application No. 133758 filed December 27, 1999 has not yet been filed to support the claim of its priority date. Such a certified copy is enclosed.

Re: Drawings

Regarding paragraph 1, permission is requested to correct Fig. 6 of the drawings as shown in red ink on the attached photocopy. It is believed that such a correction will attend to the objection raised by the Examiner.

With respect to paragraph 2, we enclose new sheets of drawings containing Figs. 5 – 8 correcting this objection of paragraph 2, as well as the objection regarding Fig. 6 in paragraph 1.

Re: Claims Rejections 35 USC 112

The new claims are believed to avoid the objection set forth in paragraph 6, in that the word “step” as appearing in many of the original claims has been changed to -- act -- in the new claims, e.g., new Claims 49 – 53.

With respect to the objection to the recitation “the Internet”, appearing in line 2 of original Claim 3, it is submitted that this language is clear and definite and does not require amendment; therefore, it has been retained in, e.g., new Claim 42. Thus, this is not a case where the definite article “the” is used to inferentially include an element which should be positively recited, but rather a case where the element recited is to be identified with definiteness. For example, it would certainly not be appropriate in this case to use the indefinite article “an” rather than the definite article “the”, by changing “the Internet” to -- an Internet --.

Re: Rejections under 35 USC 102 and 103

All the original Claims 1 – 39 were rejected on Pellicano U.S. Patent 6,386,707 taken alone, or in combination with Van Hoff U.S. Patent 5,802,530 and Sinclair U.S. Patent 5,589,897. Original system Claims 1 – 22 have been replaced by new system claims 40 – 54. Original method Claims 23 – 39 have been retained, but additional method Claims 55 – 61 have been added more closely patterned after system claims 40 – 54.

The new claims 40 – 61 were drafted in a manner to more clearly define the present invention and to more sharply distinguish it over the cited references. Favorable reconsideration of the now-pending Claims 23 – 61 is therefore respectfully requested in the light of the following remarks.

The primary reference, Pellicano, relates to a method for evaluating visual acuity of a user via the Internet, in which the user is asked to provide personal

information and also to respond to various displays for testing the visual acuity of the user. This information is processed and a treatment suggestion message is generated and displayed to the user. The suggestion message may be, for example, an indication whether or not medical intervention is necessary, whether or not the problem may be corrected by eyeglasses, etc. The suggestion message allows the user to select eyeglasses, etc. to correct the defect, if any, in the user's visual acuity.

In the official action, the Examiner rejected method Claim 23 by combining the disclosure of Sinclair et al U.S. Patent 5,589,897 with the disclosure in Pellicano.

It is to be noted that the Sinclair patent relates to a method and apparatus for identifying visual defects, particularly sub-optimal central field of vision, and for controlling a display device in order to correct the display with respect to the identified defects. Thus, Sinclair et al also fails to disclose a treatment phase using the identified defects to treat the person in order to improve the person's visual perception ability with respect to a detected visual defect. Clearly, therefore, one skilled in the art would have hardly been motivated by Sinclair et al, relating to correcting a visual display, for modifying Pellicano in order to provide a treatment phase wherein a plurality of images are displayed to the user in order to improve the person's visual perception ability with respect to any detected visual defect.

It is submitted, therefore, that original Claim 23 is allowable over the cited references.

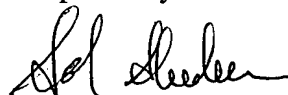
Original Claims 24 – 27 depend from Claim 23, and are therefore submitted to be allowable with that claim, apart from the further features set forth.

Original Claim 28, also drawn to the method, was rejected on the same combination of references with the addition of Van Hoff. It is submitted, however, that Claim 28, as well its dependent claims 29 – 39, are also allowable over this combination of references for the same reasons as discussed above.

New independent Claim 40, as well as its dependent Claims 41 – 54, and new independent method Claim 55, as well its dependent Claims 56 – 61, are also submitted to be allowable over the cited references for the same reasons as discussed above.

In view of the foregoing, it is believed this application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,

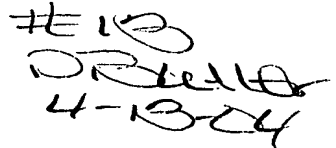


Sol Sheinbein
Registration No. 25,457

Date: March 30, 2004

In the Drawings:

Permission is requested to correct Fig. 6 of the drawings as shown in red ink on the attached photocopy.



In re Applicant:

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Attorney  
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Examiner: Shefali D. Patel

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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Technology Center 2600

## LETTER TO CHIEF DRAFTSMAN

Sir:

Pursuant to the Examiner's approval, please correct Fig. 6 as shown in red ink on the attached sheet.

Respectfully submitted,

*Sal Shuler*

Sol Sheinbein

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Date: March 25, 2004

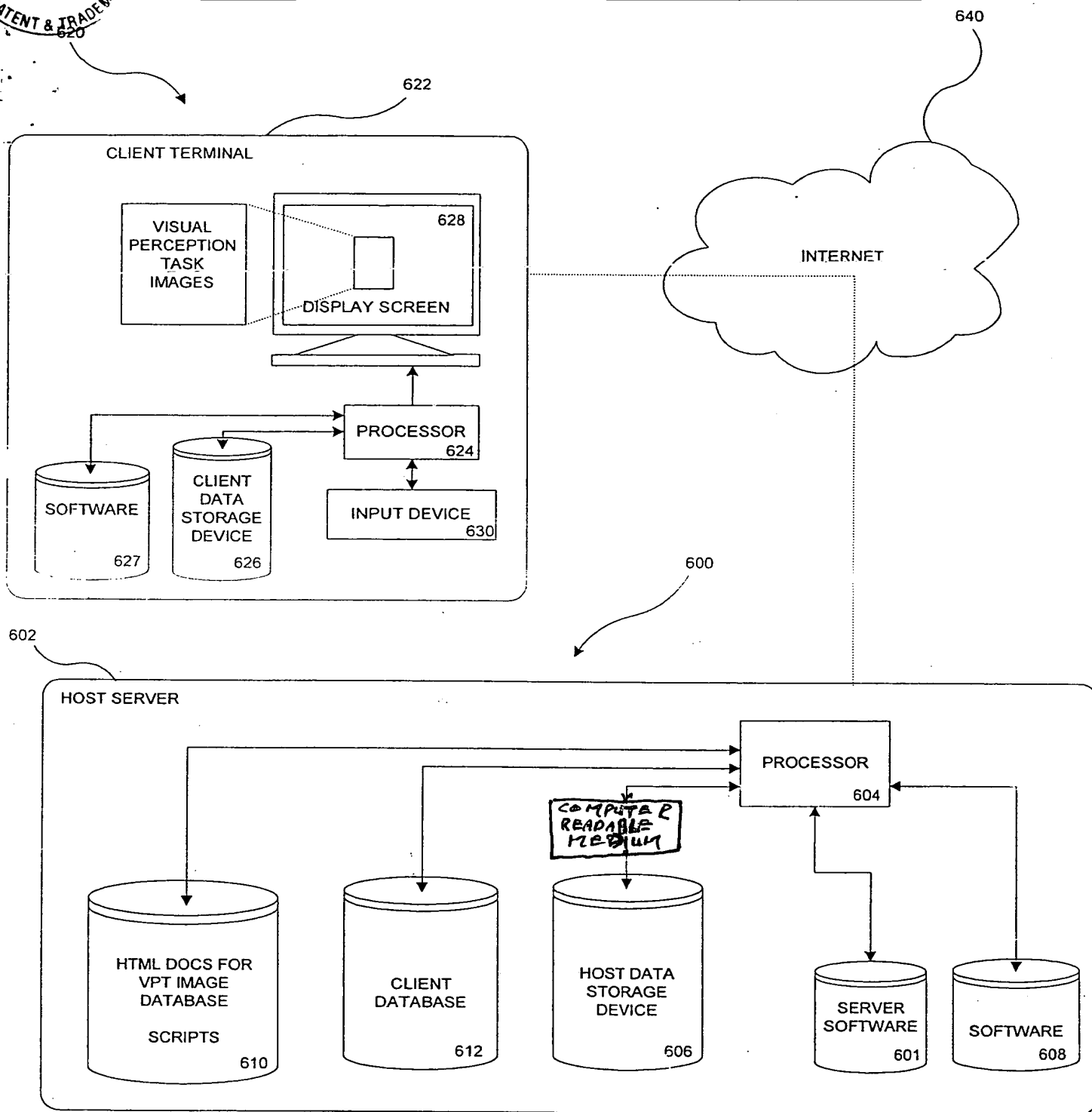


FIGURE 6